S.B. CIVIL WRIT PETITION NO.6405/2003
(Vardi Chand vs. Taya Ali & Ors.)

Date :: 14.05.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.Rakesh Arora, for the petitioner.
Mr.Deelip Kawadia, for the respondents.

Heard learned counsel for the petitioner.

By way of filing present writ petition, the petitioner is challenging the order dated 09th April, 2003 Annexure-4 passed by the Motor Accident Claims Tribunal, Udaipur upon an application filed under Order 9 Rule 13 read with Section 151 C.P.C for setting aside the award dated 18th July, 2001.

Before filing this petition, the award dated 18th July, 2001 passed by Motor Accident Claims Tribunal, Udaipur was challenged by way of filing an appeal before this Court and the said appeal was registered as S.B. Civil Misc. Appeal No.3673/2001 DR(J), which was dismissed on 19th September, 2002 for non-compliance of the order dated 07th August, 2002, therefore, the award dated 18th July, 2001 has attained finality but this fact was not brought to the notice of the trial court, as such, the application filed under Order 9 Rule 13 C.P.C. was decided on merit by the trial court.

I do not find any reason to interfere with the order dated 09th April, 2003 passed by the Motor Accident Claims Tribunal, Udaipur because the award dated 18th July, 2001 become final after dismissal of appeal filed by the petitioner vide order dated 19th September, 2002 in S.B. Civil Misc. Appeal No.3673/2001 DR(J).

In this view of the order, the writ petition is dismissed.

{GOPAL KRISHAN VYAS}, J.

A.K. Chouhan/-